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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT DEVENCENZI,

Plaintiff,

v.

TUCKER, *et al.*,

Defendants

Case No. 3:22-cv-00353-CLB

**ORDER GRANTING MOTION FOR
ENLARGEMENT OF TIME TO
COMPLETE MOTION FOR
SUMMARY JUDGMENT
(First Request)**

Defendant Robert Lewis, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Janet E. Traut, Deputy Attorney General, move this Court for an extension of time to file their Motion for Summary Judgment. This Motion is made and based on the following Memorandum of Points and Authorities, Fed. R. Civ. P. 6(b) and 56, and the existing court record.

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL ANALYSIS

This is a *pro se* prisoner civil rights action brought by Plaintiff, Robert Devencenzi (Devencenzi) asserting claims arising under 42 U.S.C. § 1983, while Devencenzi was incarcerated at Warm Springs Correctional Center (WSCC). ECF No. 7. On screening, the Court allowed one Eighth Amendment conditions of confinement claim to proceed against potential Defendants Tucker and Lewis. ECF No. 5. Potential Defendant Tucker has not been served and this case is advancing with Defendant Lewis as the sole defendant.

Devencenzi's claim concerns movement of his cell mate out of the cell for a disciplinary hearing on February 10, 2021. Defendant Lewis removed the cell mate to the hearing. While he was gone, Devencenzi was allegedly left in the cell, restrained, and unable to use the toilet. Upon Defendant Lewis's return to the cell, he found Devencenzi had urinated on himself.

Defendant Lewis provided initial disclosures on May 9, 2023. A Discovery Plan and Scheduling Order was issued on May 16, 2023, ECF No. 23, and the date for dispositive motions is December 13, 2023.

Defendant requests 2 additional weeks in which to prepare and file his Motion for Summary Judgment, to Wednesday, December 27, 2023.

II. ARGUMENT

The Court may extend the time allowed for an act when good cause is shown to do so. Fed. R. Civ. P. 6(b)(1)(A). Here, Defense counsel requests an extension of time for 2 weeks. Counsel was ill last week and missed time in the office over the course of several days. In addition to the instant summary judgment motion, Summary Judgment was filed today in *Morton v. Perri*, 3:22-cv-00186-CLB. Additionally, counsel is working with opposing counsel to prepare a pretrial order in *Franklin v. Mesa*, 3:18-cv-00522-CLB, due on Friday. This was on the heels of an exceptionally busy November.

A. Current Deadlines

Dispositive motion deadline:	December 13, 2023
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Joint pretrial order (if no dispositive motions filed):	January 12, 2024
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B. Proposed Deadlines

Dispositive motion deadline:	December 27, 2023
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Joint pretrial order (if no dispositive motions filed):	January 26, 2024
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C. Good Cause Supports this Request

Federal Rule of Civil Procedure 16(b) allows parties to request extensions of deadlines set in the Court's scheduling order. Defense Counsel needs additional time to be able to complete and file a well-supported Motion for Summary Judgment. Defendant

1 asserts that the requisite good cause is present to warrant the requested extension of
2 time.

3 **III. CONCLUSION**

4 Defendant respectfully requests this Court extend the deadline for the dispositive
5 motion in this matter. Defendants assert the requisite good cause is present to warrant
6 an extension of time. Therefore, Defendant requests additional time, up until **December**
7 **27, 2023**, to file dispositive motions in this matter.

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9 DATED this 13th day of December 2023.

10 AARON D. FORD
11 Attorney General

12 By: 
13 JANET E. TRAUT, Bar No. 8085

14 Deputy Attorney General

15 *Attorneys for Defendants*

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18 **IT IS SO ORDERED.**

19 **DATED:** December 14, 2023.

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22 UNITED STATES MAGISTRATE JUDGE
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